

REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 1-4 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement.

Applicants traverse this rejection. The purpose of the enablement requirement, i.e., that the specification describe the invention in such terms that one skilled in the art can make and use the claimed invention, is to ensure that the invention is communicated to the interested public in a meaningful way. The information contained in the disclosure of an application must be sufficient to inform those skilled in the relevant art how to both make and use the claimed invention. However, to comply with 35 U.S.C. §112, first paragraph, it is not necessary to "enable one of ordinary skill in the art to make and use a perfected, commercially viable embodiment absent a claim limitation to that effect." *CFMT, Inc. v. Yieldup Int'l Corp.*, 349 F.3d 1333, 1338, 68 USPQ2d 1940, 1944 (Fed. Cir. 2003)

In the instant application, shengming donglisu is described in such a way as to enable one of skill in the art to which it pertains to make and/or use the invention. In this regard, the Examiner is referred to the instant specification, paragraphs 20-24 of the published application, which describe shengming donglisu. One of skill in the art would understand the necessary extraction

of minerals required to obtain shengming donglisu based on the teachings of the instant application. As such, shengming donglisu is properly enabled.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. §112, first paragraph, to claims 1-4.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-4 are rejected under 35 U.S.C. §112, second paragraph as indefinite.

Applicants traverse this rejection. The primary purpose of the definiteness requirement is to ensure that the scope of the claims is clear such that the public is informed of the metes and boundaries of the claims to prevent infringement of the patent. Regarding, terminology used in the claims, new terms are often used, and therefore applicants are not required to confine themselves to the terminology used in the prior art. Although it is difficult to compare the claimed invention with the prior art when new terms are used that do not appear in the prior art, this does not make the new terms indefinite. If the claims, read in light of the specification, reasonably apprise those skilled in the

art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, 35 U.S.C. 112, second paragraph demands no more. See *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367 (Fed. Cir. 1986).

In the instant application, shengming donglisu is described in such a way as to ensure that the scope of the claims is clear such that the public is informed of the metes and boundaries of the claims. In this regard, the Examiner is referred to the instant specification, paragraphs 20-24 of the published application, which describe shengming donglisu. Therefore, the claims, when read in light of the specification, reasonably apprise one skilled in the art both of the utilization and scope of the invention. The language of the instant claims is as precise as the subject matter permits. As such, shengming donglisu is definite.

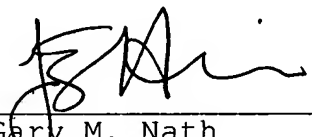
Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. §112, second paragraph, to claims 1-4.

CONCLUSION

In view of the foregoing, Applicants earnestly request the Examiner reconsider and withdraw the outstanding rejections. The Examiner is invited to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

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Date: August 17, 2006
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